

Title: Cornwall IFCA Whitsand and Looe Bay Marine Conservation Zone (Fishing Restrictions) Byelaw 2018 IA No: CIFCA 022 RPC Reference No: Lead department or agency: Cornwall Inshore Fisheries and Conservation Authority (CIFCA) Other departments or agencies: MMO, Natural England, Defra	Impact Assessment (IA)
	Date: 8 June 2018
	Stage: Development/Options
	Source of intervention: Domestic
	Type of measure: Secondary Legislation
	Contact for enquiries: Samantha Davis, Chief Officer, Cornwall IFCA 01736 336842 sdavis@cornwall-ifca.gov.uk
Summary: Intervention and Options	RPC Opinion: N/A

Cost of Preferred (or more likely) Option				
Total Net Present Value	Business Net Present Value	Net cost to business per year (EANDCB on 2014 prices)	In scope of One-In, Three-Out?	Business Impact Target Status
£0m	£0m	£0m	Not in scope	Qualifying provision
What is the problem under consideration? Why is government intervention necessary? Following the Whitsand and Looe Bay Marine Conservation Zone (MCZ) Designation Order in 2013, there is a requirement for management of certain fishing activities within the MCZ in order to deliver its conservation objectives. As the site is inside the 6nm limit, it is the responsibility of Cornwall IFCA to act in this regard. A byelaw to prevent the use of bottom towed fishing gear across the majority of the site is proposed to prevent damage to habitat supporting populations of pink sea fans and sea fan anemones. Without government intervention through regulation, the protection of the conservation features could not be delivered as these features could be exposed to bottom towed gear.				

What are the policy objectives and the intended effects? 1. To prohibit the use of bottom towed fishing gears within the majority of the Whitsand and Looe Bay MCZ to protect its sensitive conservation features, to fulfil the IFCA's duties under section 154 of MaCAA 2009. 2. To support the sustainable exploitation of shellfish and whitefish stocks in the Cornwall IFC District whilst affording appropriate protection to its network of marine protected areas.
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What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base) 1. Do nothing. 2. Voluntary measures. 3. Prohibit the use of bottom towed gear within the entire boundary of the Whitsand and Looe Bay MCZ through a byelaw. 4. Allow zoned access for bottom towed gear to a section of the Whitsand and Looe Bay MCZ through a byelaw. All options are compared to option 1. Following the development and consultation on a previous byelaw under Option 3, Option 4 is the preferred option as it will provide protection to the sensitive conservation features

within Whitsand and Looe Bay MCZ from bottom towed gear and to the overall marine protected area network in Cornwall.

Will the policy be reviewed? It **will** be reviewed. **If applicable, set review date:** April 2023

Does implementation go beyond minimum EU requirements?			No		
Are any of these organisations in scope? If Micros not exempted set out reason in Evidence Base.	Micro Yes	< 20 Yes	Small Yes	Medium Yes	Large Yes
What is the CO ₂ equivalent change in greenhouse gas emissions? (Million tonnes CO ₂ equivalent)			Traded: N/A	Non-traded: N/A	

I have read the impact assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible Chief Executive: _____ Samantha Davis _____ Date: _____ 8 June 2018 _____

Description:

FULL ECONOMIC ASSESSMENT

Price Base Year 2016	PV Base Year 2016	Time Period Years 10	Net Benefit (Present Value (PV) (£m))		
			Low: N/A	High: N/A	Best Estimate: £0m

COSTS (£m)	Total Transition¹ (Constant Price) Years		Average Annual² (excluding transition) (Constant Price)	Total Cost³ (Present Value)
Low	N/A		N/A	N/A
High	N/A		N/A	N/A
Best Estimate	£0m		£0	£0

Description and scale of key monetised costs by ‘main affected groups’

As this byelaw enables access to the majority of the area used by vessels with bottom towed gear, it is not thought to have any monetised costs, as fishing activity should be able to continue. The prohibited area is not fished by these vessels.

Other key non-monetised costs by ‘main affected groups’

Cornwall IFCA operates a risk-based approach to enforcement so this new byelaw will be integrated into that risk profile and met within the current budget.

BENEFITS (£m)	Total Transition (Constant Price) Years		Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	Optional		Optional	Optional
High	Optional		Optional	Optional
Best Estimate	£0m		Benefits not monetised	Benefits not monetised

Description and scale of key monetised benefits by ‘main affected groups’

It has not been possible to monetise the benefits of this measure. No financial data was submitted during the formal consultation process on the previous byelaw which would also be applicable here.

Other key non-monetised benefits by ‘main affected groups’

There is a range of other fishing activities within the site boundary although there does not currently appear to be conflict between fishing methods in the area targeted by bottom towed gear. Sections of the MCZ, particularly centred on the two wrecks in the eastern end are used extensively for recreational scuba diving including by a number of dive charter operators, as well as by private dive vessels. Maintenance of the condition of the adjacent seabed habitats could improve the quality of diving in this area. The site is also popular for boat and shore based recreational sea angling. The conservation features found within the site will make a contribution to the overall network of marine protected areas across the UK.

Key assumptions/sensitivities/risks

Discount rate (%)

3.5%

It is assumed that this byelaw will provide the necessary protection of the sensitive conservation features within the MCZ, which will benefit their condition. It is assumed that a limited amount of

bottom towed gear activity will continue in the open area, either by the licensed fishing vessel which has been active in there in the past or from the survey activity of the Marine Biological Association's research vessel.

BUSINESS ASSESSMENT (Option 1)

Direct impact on business (Equivalent Annual) £m:			In scope of OI30?	Measure qualifies as
Costs: £0.00m	Benefits: N/A	Net: N/A	No	N/A

Evidence base

1. Introduction

- 1.1 This impact assessment (IA) extends in scope to the implications of a byelaw, the Whitsand and Looe Bay Marine Conservation Zone (Fishing Restrictions) Byelaw 2018, to be applied within the jurisdictional district of Cornwall Inshore Fisheries and Conservation Authority (Cornwall IFCA). This has been made under s.155, s.156 and s.158 of the Marine and Coastal Access Act 2009 (MaCAA)¹.
- 1.2 This new byelaw prohibits the use of bottom towed fishing gears within the majority of the Whitsand and Looe Bay Marine Conservation Zone (MCZ), whilst providing access to less sensitive areas that have been fished using trawls, either by a licenced fishing vessel or by a research vessel.
- 1.3 In the development of the previous byelaw proposed for this site, zoned access was initially considered as an option, to enable the use of bottom towed gear on subtidal sandy sediments in the north-eastern corner of Whitsand Bay but this option was rejected in favour of a total prohibition to provide the maximum level of protection to the site. Following the formal consultation on this first byelaw, Defra declined to confirm it as the level of protection proposed was assessed to be disproportionate to the levels of fishing pressure encountered. This led to the development of this version of the byelaw which reinstates a zoned approach to the use of bottom towed gear within the site, enabling access to the north eastern inshore section of the site.
- 1.3 The aim of the byelaw is to protect sensitive conservation features with 'recover' objectives from the impact of bottom towed gear, specifically the impact of demersal trawls over pink sea fans (*Eunicella verrucosa*) found distributed across suitable substrates including infralittoral and circalittoral rock. This species and its associated sea fan anemone (*Amphianthus dohrnii*) were identified by Defra in guidance issued to Cornwall IFCA in June 2014 as being of the highest priority for management action within MCZ sites in Cornwall.

2 Rationale for intervention

- 2.1 Under the Marine and Coastal Access Act (MaCAA) 2009, Inshore Fisheries and Conservation Authorities (IFCAs) have duties to ensure that sea fisheries resources, typically fish and shellfish stocks, are exploited in a sustainable manner. They also need to ensure that any impacts from that exploitation on designated features in the marine environment are reduced or suitably mitigated, by implementing appropriate management measures.
- 2.2 IFCAs also have a duty within the same Act to seek to balance the social and economic benefits of exploiting the sea fisheries resources of their districts with the need to protect the marine environment from, or promote its recovery from, the effects of this exploitation.
- 2.3 Finally, under s.154 of MaCAA, an IFCA must seek to ensure that the conservation objectives of any MCZ in its district are furthered. IFCA responsibilities in this regard extend to the management of fishing activities only. The complete list of conservation features and their general management approach are shown in Table 1 below. This MCZ has a conservation objective of recover for the presence of pink sea fans and sea fan anemones across the site, with the removal of bottom towed gear proposed in associated Defra guidance as being the most appropriate management approach.

Table 1. MCZ Conservation features	General management approach
Intertidal coarse sediment	Maintain in favourable condition
Intertidal sand and muddy sand	Maintain in favourable condition
Subtidal coarse sediments	Maintain in favourable condition
Subtidal sand	Maintain in favourable condition
Low energy intertidal rock	Maintain in favourable condition
Moderate energy intertidal rock	Maintain in favourable condition
High energy intertidal rock	Maintain in favourable condition
Seagrass beds	Maintain in favourable condition
Ocean quahog (<i>Arctica islandica</i>)	Maintain in favourable condition
Pink sea fan (<i>Eunicella verrucosa</i>)	Recover to favourable condition
Sea-fan anemone (<i>Amphianthus dohrnii</i>)	Maintain in favourable condition
Stalked jellyfish (<i>Haliclystus auricular</i>)	Maintain in favourable condition

- 4 The conservation objectives of the MCZ, read alongside the general management approach, require that the pink sea fans in the site are recovered to favourable condition. Guidance issued to IFCAs by Defra and Natural England in 2014 indicated that the most appropriate level of management to deliver this conservation objective was the removal of bottom towed gear over this feature. The proposed byelaw provides protection to these conservation features through the location of a prohibited area to towed gear which includes a buffer zone.

3. Policy objective

- 3.1 The policy objective relevant to this impact assessment is to prohibit the use of bottom towed fishing gear within the majority of the Whitsand and Looe Bay MCZ in order to protect vulnerable habitat and species conservation features, in order to contribute to meeting the overall conservation objectives of this site. The byelaw enables limited access for bottom towed gear to a small section of the site, at current levels.
- 3.2 This action will also contribute to the health of the overall marine protected area network in UK waters through the conservation of this site and the habitats and species it contains.

4. Background

- 4.1 The designation and protection of marine conservation zones (MCZ) is a key provision of the Marine and Coastal Access Act 2009 (MaCAA). The purpose of this provision is stated in s.123 of MaCAA, which places a duty on the appropriate authority, in this case Defra, to designate MCZs in order to contribute to a network of marine sites across the UK marine area. This network includes MCZs, SSSIs, Ramsar sites and European marine sites (SACs and SPAs).
- 4.2 Each MCZ is designated due to the presence of a series of features, which may be habitats, species or features of geological or geomorphological interest. The aim of the overall network is to contribute to the conservation of the marine environment, by protecting a representative range of features present in the UK marine area. It also reflects the fact that the overall conservation of a particular feature may require the designation of more than one MCZ.
- 4.3 Each MCZ is designated through an individual Designation Order, which sets out the boundary of the site and the features for which it has been designated. The Order also establishes an overall conservation objective for the site, which is that its protected features are either maintained or restored to '*favourable condition*'. Favourable condition is the state which would be expected without significant human impacts which have an adverse or harmful effect. The overall aim is to find an appropriate balance between safeguarding the marine environment and the sustainable use of marine resources. However, what the Order does not do is to set out the management regime for the MCZ.
- 4.4 Once an MCZ has been formally designated, Natural England has a duty to provide advice and guidance about the condition of the site and about the activities that are capable of affecting or damaging its features. This information is presented in a conservation advice package, which lists the features of the site and states whether action should be taken to maintain or restore those features to favourable condition. As a result, there is often a mixture of these two principles within one site, depending upon the mixture of features which it contains.
- 4.5 IFCAs have a duty under s.154 of MCAA to further the conservation objectives of MCZs and our responsibilities in this regard extend to the management of fishing activities. Other activities are the responsibility range of public authorities including the MMO. Management can take many forms, from voluntary agreements through to byelaws and it can include the option to not take any action, if this is appropriate and can be shown to provide the balance referred to in paragraph 4.3.

- 4.6 The designation of MCZs is a phased national process taking place in a series of tranches from 2013-2017. The Whitsand and Looe Bay MCZ was in the first tranche (T1) of sites and was designated in November 2013 for a range of habitats and species including a range of rocky intertidal and subtidal reefs, subtidal coarse sediments, seagrass beds, pink sea fans, sea-fan anemones and stalked jellyfish. It covers an embayment of 15 square nautical miles (52 km²) from Rame Head in the east to Looe Island in the west.
- 4.7 For each T1 site, a number of verification surveys were undertaken on behalf of Defra. These resulted in the production of a survey report for each MCZ, detailing the methodology used in the survey, and a site summary report, drawing together the outputs from the survey to produce maps showing the location of the site features. This work was completed and both a survey report and a site report are available publicly and have been used to inform the byelaw making process. Due to the survey techniques employed, only locations for pink sea fans were identified during this survey.
- 4.8 In June 2014, guidance was issued to IFCAs by Defra and Natural England regarding the prioritisation of management actions for T1 MCZ sites. This prioritisation tool took a similar approach to the 'risk matrix' used for European Marine Sites. For each site feature, a risk assessment was made concerning the potential vulnerability of a feature to various fishing activities and whether the conservation advice for the feature was 'maintain' or 'recover'. As a result, a management approach was proposed for each fishing activity, which ranged from 'managed access' through to 'no access'. Features assessed in this way were identified as being the 'highest priority for consideration of management'.
- 4.9 In the Whitsand and Looe Bay MCZ, an assessment was made through this prioritisation tool that there should be no access for bottom towed gear over areas where pink sea fans and their associated sea fan anemones are located, in order to deliver the conservation objective of 'recover' for pink sea fans. From the site survey report, these species are located to the south of the area targeted by demersal trawls as they would not be found on mobile sandy substrates.
- 4.10 This led initially to a proposal for a draft byelaw enabling zoned access for bottom towed gear to a small section of the north eastern end of the MCZ, over mobile sandy sediments. Following discussions by the Authority's members, a decision was taken to extend the prohibition for bottom towed gear to the entire boundary of the MCZ. This byelaw was made by Cornwall IFCA in December 2016 and was subject to a formal consultation process early in 2017. Objections were raised during the consultation to the loss of access to trawl grounds by one licensed vessel, by the national Federation of Fishermen's Organisations and by the Marine Biological Association, who undertake scientific surveys using a trawl within the MCZ.
- 4.11 After considering the objections raised during the formal consultation, members of Cornwall IFCA voted in March 2017 to recommend sending the byelaw as made in December 2016 to Defra for confirmation. After a period of deliberation, Defra declined to confirm the byelaw on the basis that it was not proportionate and the proposed protection it contained could not be justified based upon the low levels of towed gear activity in the site and any likely impact on the relevant conservation features.
- 4.12 Following this advice, Cornwall IFCA has created this new byelaw which enables access for bottom towed gear to a section of the MCZ over features that are not considered to be adversely impacted by the low levels of fishing activity currently happening in this area. The inshore boundary of this prohibited area was situated in order to provide protection to the habitats supporting pink sea fans and sea fan anemones, with an additional buffer added to this boundary following established national guidance for this purpose of four times water depth. The location of this boundary was defined using data on the distribution of habitats shown in the Whitsand and Looe Bay rMCZ survey report.
- 4.13 Following agreement from members of Cornwall IFCA to proceed on this basis, the individuals and organisations that raised objections to the previous version of this byelaw were contacted during an informal consultation stage to assess the impact of this revised boundary on their activities. Two responses were received from owners of fishing vessels. One individual had plans to start trawling for sand eels but was not currently fishing in this area. This person was provided with the co-ordinates of the boundary line for the prohibited area and no further comments have been received so it has been assumed currently that the proposed byelaw boundary would not affect this person's activity.

- 4.14 The other response from the fishing industry was from the vessel owner who had objected to the original byelaw. Whilst the new proposed byelaw boundary enables access to the areas used for trawling, it does impinge the vessel's ability to tow around a rocky outcrop and as a result, amendments were suggested to a section of the inshore edge of the boundary of the prohibited area.
- 4.14 To verify the proposed boundary and to compare its location with the amendments suggested by the vessel owner, Cornwall IFCA undertook a survey of the inshore boundary using sidescan sonar. The results indicated that the line as drawn in the proposed byelaw which includes a suitable buffer provided sufficient protection to the relevant conservation features. The changes suggested to the line would place it too close to these features, which would not fulfil the requirements for Cornwall IFCA of section 154 of MaCAA. Following feedback on this point, further amendments were suggested by the vessel owner but these also moved the line too close to the conservation features. As a result, the boundary line has been set as shown in the chartlet appended to the draft byelaw.
- 4.15 During the informal consultation a response was also received from Marine Biological Association, confirming that the new boundary contained within the byelaw would enable them to continue their scientific trawl surveys within Whitsand Bay.
- 4.16 It has not been possible to quantify and monetise the benefits of removing bottom towed fishing gear from the majority of the MCZ due to the complexity of attributing financial values to a change in biodiversity which may arise from this measure. As it was not possible to use towed gear over the vast majority of the seabed now contained within the prohibited area, any changes to the overall condition of these habitats and species will be very difficult to assess. In terms of other non-fishing activities, the eastern end of the MCZ is very popular for recreational scuba diving, which is focused around the two large wrecks in the part of the site and is not thought to be on the sandy shallow inshore section where the demersal trawling takes place. There is shore based recreational angling along the coast of the MCZ, particularly around the eastern end of Whitsand Bay and along the coast to Rame Head as well as angling from private and charter vessels.

5. Rationale and evidence that justify the level of analysis used in the IA (proportionality approach)

- 5.1 The scientific evidence of the presence and location of seabed habitats and species was taken from the Whitsand and Looe Bay MCZ Site Summary Report 2014, which contained data collected to national monitoring standards and protocols. This was then augmented along the inshore boundary of the proposed prohibited area by a sidescan survey carried out in May 2018 by Cornwall IFCA's research vessel.
- 5.2 It is currently thought that this byelaw should not have any costs to the affected businesses or organisations, as it provides zoned access to the MCZ for bottom towed gear and it does not have any other impacts. During the formal consultation on the first version of this byelaw, no further financial information was submitted by any respondents. Similarly, comparable financial information regarding the benefits of this byelaw to other businesses operating within the MCZ was not forthcoming from that formal consultation process.

6. Description of options considered (including do nothing);

6.1 Option 1 'Do Nothing'

This option was deemed not to be appropriate. Cornwall IFCA received guidance from Defra in 2014 that the management of the impact of bottom towed gear within this MCZ was of the highest priority and that the suggested management action to take was to prohibit access to this fishing activity in areas where pink sea fans and sea fan anemones were located. If no action is taken, Cornwall IFCA will not be complying with its obligations under section 153(2) of MaCAA to "...seek to balance the social and economic benefits of exploiting the sea fisheries resources of the district with the need to protect the marine environment from, or promote its recovery from, the effects of such exploitation" and under section 154 of MaCAA, to "...ensure that the conservation objectives of any MCZ in the district are furthered".

6.2 **Option 2** Voluntary agreement

This option is not appropriate as a voluntary agreement would not provide the level of intervention necessary to ensure that bottom towed gear was excluded from areas within the site identified as being in need of management in order to enable their recovery.

6.3 **Option 3** Prohibition of access for bottom towed gear across the entire site through a byelaw

This option was recommended as a byelaw in 2016 but following the formal consultation process in 2017, it was Defra's opinion that this approach was not proportionate to the risk presented by the current fishing activity and as a result, the byelaw was not confirmed.

6.4 **Option 4 - Recommended Option** Cornwall IFCA makes a new byelaw

This option is recommended because it provides an appropriate and proportionate level of protection for the sensitive conservation features within this MCZ, whilst allowing limited trawling activity within a small section of the site over less vulnerable habitats.

7. **Analysis of costs and benefits and assumptions made**

7.1 The option 4 will be analysed below is compared to option 1, the 'do nothing' option.

7.2 **Option 4 - Recommended Option** Cornwall IFCA makes a new byelaw

Monetised costs: Through informal consultation no costs have been identified.

7.3 **Non-monetised costs:** The owner of the only licensed fishing vessel known to occasionally operate within the site has expressed an opinion that the boundary of the prohibited area will impinge slightly on his ability to trawl in the open area.

Cornwall IFCA operates a risk-based approach to enforcement, and enforcement of this new byelaw will be integrated into that risk profile and met within the current budget

7.4 **Monetised benefits:** It has not been possible to attribute values to the key monetised benefits of this measure, as this would require a complex assessment of the increased value of any increase in biodiversity which could arise from removing bottom towed fishing gear, particularly when this fishing activity did not occur over these sensitive features.

7.5 **Non-monetised benefits:** This site will make a contribution to the overall network of marine protected areas across England through the range of habitats and species represented within it. The site is also used extensively for recreational scuba diving including by a number of locally based dive charter operators, as well as by private dive vessels. Responses received during the formal consultation on the original byelaw suggested that an improvement in the condition of seabed habitats could improve the quality of diving in this area. Both Whitsand Bay and Looe Bay areas are popular locations for both boat and shore based recreational anglers.

8. **Risks and assumptions** The key assumption is that removing the impacts of bottom towed gear from the Whitsand and Looe Bay MCZ will contribute to the recovery of pink sea fans, sea fan anemones, stalked jellyfish, subtidal sandy sediments, subtidal coarse sediments and their associated biodiversity within this site. Without this byelaw, Cornwall IFCA would risk failing in its duty under section 154 of MaCAA 2009 to further the conservation objectives of MCZs within its district.

9. **Wider impacts**

9.1 **Economic/financial impacts:** The byelaw enables existing fishing activity to continue although currently, the lack of relevant quotas for species targeted in this area has meant that there has not been any recent commercial trawling activity. The ability of the MBA to continue their scientific trawl surveys is of benefit to their long term monitoring programmes.

9.2 **Social impacts:** No social impacts are anticipated on local communities in terms of wellbeing, health, quality of life, rate of crime, skills and education, human rights or equality.

- 9.3 **Environmental impacts:** The main aim of this byelaw is to reduce the impact of a specific method of fishing on the conservation features of this MCZ, which should improve the contribution this site makes to marine biodiversity. The removal of demersal trawling across the majority of the site may also be of benefit to fish stocks present in this area although the actual levels occurring within the new prohibited area were thought to be very low due to the unsuitable seabed for trawling.
- 9.4 **One In Three Out (OI3O):** OI3O is not applicable for byelaws implemented for the management of marine protected areas as they are local government byelaws introducing local regulation and therefore not subject to central government processes.
- 9.5 **Small firm's impact test and competition assessment:** No firms are exempt from this byelaw as it applies to all firms who use the area, it does not have a disproportionate impact on small firms. It also has no impact on competition as it applies equally to all businesses that utilise the area.
- 9.6 **Marine Planning:** There is currently no marine plan covering the area to which this byelaw will apply but the preferred option is in accordance with the Higher Level Marine Objectives contained within the Marine Policy Statement (MPS).

10. Summary and preferred option including implementation plan

- 10.1 **Recommended option:** Cornwall IFCA makes a new byelaw to prohibit the use of bottom towed gear within the majority of the Whitsand and Looe Bay MCZ boundary.
- 10.2 This option is recommended because it permanently removes the impact of bottom towed fishing gear, specifically demersal trawls on habitats which could support pink sea fans and other vulnerable species within the MCZ, which should enable the recovery of these conservation features, which contribute to the overall network of marine protected areas in England.
- 10.3 **Implementation:** If this byelaw is confirmed, Cornwall IFCA will ensure that information is made available to local and visiting vessel owners using bottom towed gear in the vicinity of the Whitsand and Looe Bay MCZ to make them made fully aware of the prohibition in the byelaw and the geographical area which it covers. The byelaw will be incorporated into the risk based enforcement plan operated by Cornwall IFCA and the risks associated with non-compliance will be reviewed annually and informed by routine monitoring of vessels in this area. As with all IFCA byelaws, a post-implementation review of this byelaw will be undertaken no later than five years after confirmation.

Bibliography

No.	
1	Marine and Coastal Access Act 2009 http://www.legislation.gov.uk/ukpga/2009/23/contents
2	The Whitsand and Looe Bay MCZ Designation Order 2013
3	Defra MCZ prioritisation tool June 2014
4	The Whitsand and Looe Bay MCZ draft Conservation Objectives, Natural England 2015

5	The Whitsand and Looe Bay MCZ draft advice on operations, Natural England 2015
6	The Whitsand and Looe Bay MCZ Summary Site Report, Defra 2014
7	The Whitsand and Looe Bay rMCZ survey report, Environment Agency 2013
8	Impact Assessment Calculator BIS/16/359 https://www.gov.uk/government/publications/impact-assessment-calculator--3
9	UK Marine Policy Statement 2011, HMSO.
10	IA Toolkit: How to do an Impact Assessment 2011. HMSO

Annex A: Policy and Planning

One in Three Out (OI3O)

OI3O is not applicable for byelaws implemented for the management of marine protected areas as they are local government byelaws introducing local regulation and therefore not subject to central government processes.

Small firms impact test and competition assessment

No firms are exempt from this byelaw. It applies to all firms who use the area. This measure does not have a disproportionate impact on small firms. It also has no impact on competition as it applies equally to all businesses that utilise the area.

Which marine plan area is the MPA and management measure in?

The proposed byelaw is for an MPA in the South West inshore and offshore plan areas.

Have you assessed whether the decision on this MPA management measure is in accordance with the Marine Policy Statement and any relevant marine plan?

Yes

If so, please give details of the assessments completed:

In the South West inshore or offshore plan areas no marine plans are currently in place. Therefore for management areas in these plan area, therefore consideration has been given to the Marine Policy Statement. The decision on this MPA management measure is in accordance with the Marine Policy Statement, in particular:

- 3.1.8 Marine plan authorities and decision-makers should take account of the regime for MPAs and comply with obligations imposed in respect of them. This includes the obligation to ensure that the exercise of certain functions contribute to, or at least do not hinder, the achievement of the objectives of a MCZ or MPA (in Scotland).
- 3.8.3 Decision makers must therefore have regard to the provisions of the CFP in developing any plans or proposals affecting fisheries. The CFP is currently being reviewed with the aim of introducing a reformed vision by 1 January 2013. The view of the UK Administrations is that the overall aim of the reformed CFP should be to attain ecological sustainability whilst optimising the wealth generation of marine fish resources and their long term prospects.